

The Board of County Commissioners convened in regular session on this Tuesday, January 12, 2010, at Bushnell, Sumter County, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Doug Gilpin, Chairman, District No. 2; Don Burgess, Vice Chairman, District No. 3; Garry Breeden, District No. 4 and Randy Mask, 2nd Vice Chairman, District No. 5. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; John Lege, Finance Director; Melissa Elliott, Deputy Clerk; Connie Webb, Deputy Clerk; and Derrill L. McAteer of The Hogan Law Firm, Attorneys for the Board. The meeting was called to order at 5:00 p.m. by Chairman Gilpin, with the invocation given by Commissioner Mask, followed by the flag salute which was led by Vice Chairman Burgess.

### **1. TIMED ITEMS AND PUBLIC HEARINGS**

#### **a. 5:30 PM - Public Hearing - Zoning and Adjustment Board Recommendations**

Chairman Gilpin called for a public hearing to consider the recommendations of the ZAB. Proof of Publication, as advertised, filed herewith.

Chairman Gilpin advised that "If you plan to speak during any of the public hearings listed under number 1 of the agenda which are marked with an asterisk, indicating they are quasi judicial in nature, please rise and be sworn." Those responding were sworn in by Connie Webb, Deputy Clerk. Chairman Gilpin reminded the audience that "only competent, substantial, fact based testimony or evidence will be considered by the Board in deciding the quasi judicial matters listed on today's agenda. Pure speculation or opinion, not based on competent facts, cannot be legally considered by the Board in weighing the appropriateness of the quasi judicial application. If you intend to speak on an item marked "quasi judicial," please keep this in mind. Finally, please state your name, address and whether or not you have been sworn when you approach the podium to speak on a quasi judicial matter."

#### **1. \*R2009-0022 - Rezone to RR1C - Jodie & Danny Young - SW 81st Street/Bushnell**

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman - none; Commissioner Breeden - none; Vice Chairman Burgess - none; Commissioner Mask - none; and Chairman Gilpin - none.

Brad Cornelius, Planning Manager, presented the following information. The applicant is requesting to rezone 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer from grandparents to granddaughter. The lineal transfer meets all requirements. There were 9 notices sent with none being returned. The Zoning &

Adjustment Board recommended approval by a vote of 11-0.

PUBLIC - There was no public input.

**Commissioner Breeden moved, with a second by Commissioner Mask, to approve Case No. R2009-0022, request by Jodie and Danny Young to rezone 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer from grandparents to granddaughter. The motion carried unanimously 5 - 0.**

011210-1-a-1

2. SS2009-0006 - Small Scale Land Use Amendment - Betty & T.P. Caruthers, Jr. - US 301/Oxford

Brad Cornelius, Planning Manager, presented the following information. The applicant is requesting a small scale land use amendment on 10 acres MOL from Agricultural to Commercial. The parcel is located on US 301 and in an area of growing commercial properties. The parcel is located adjacent to commercial properties and in the immediate vicinity of the City of Wildwood. There were 9 notices sent with none being returned. The Zoning & Adjustment Board recommended approval by a vote of 9-0.

PUBLIC - There was no public input.

**Commissioner Hoffman moved, with a second by Vice Chairman Burgess, to approve Case No. SS2009-0006, request by Betty and T.P. Caruthers, Jr. for a small scale land use amendment on 10 acres MOL from Agricultural to Commercial and the related ordinance (Ord. No. 2010-01). The motion carried unanimously 5 - 0.**

011210-1-a-2

3. \*R2009-0026 - Rezoning to CH (Heavy Commercial) - Betty & T.P. Caruthers, Jr. - US 301/Oxford

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman - none; Commissioner Breeden - none; Vice Chairman Burgess - none; Commissioner Mask advised he had spoken with Mr. Caruthers regarding the information that is in the Board packet; and Chairman Gilpin - none.

Brad Cornelius, Planning Manager, presented the following information. This case is related to Case No. SS2009-0006 which was just presented. The applicant is requesting a rezoning on 10 acres MOL from A5 to CH (Heavy Commercial). The parcel

is located on US 301 and in an area of growing commercial properties. The parcel is located adjacent to commercial properties and in the immediate vicinity of the City of Wildwood. There were 9 notices sent with none being returned. The Zoning & Adjustment Board recommended approval by a vote of 9-0.

PUBLIC - There was no public input.

**Vice Chairman Burgess moved, with a second by Commissioner Mask, to approve Case No. R2009-0026, request by Betty and T.P. Caruthers, Jr. to rezone 10 acres MOL from A5 to CH (Heavy Commercial). The motion carried unanimously 5 - 0.**

011210-1-a-3

4. SS2009-0007 - Lisa Pannell & James Lopez - Small Scale Land Use Amendment - US 301/Wildwood

Brad Cornelius, Planning Manager, presented the following. The applicant is requesting a small scale land use amendment on 1.98 acres MOL from Agricultural to Commercial. There were 5 notices sent with none being returned. The Zoning & Adjustment Board (ZAB) held a public hearing on January 4, 2010 for the proposed amendment. Due to the applicant not being present, the ZAB tabled the application until February 1, 2010 and requested the BOCC table this hearing until February 9, 2010.

**Commissioner Breeden moved, with a second by Vice Chairman Burgess, to table Case No. SS2009-0007, request of Lisa Pannell and James Lopez for a small scale land use amendment on 1.98 acres MOL from Agricultural to Commercial to February 9, 2010, at 5:30 p.m., Room 142, 910 N. Main Street, Bushnell. The motion carried unanimously 5 - 0.**

011210-1-a-4

5. \*R2009-0027 - Rezoning to CL (Light Commercial) - Lisa Pannell & James Lopez - US 301/Wildwood

Brad Cornelius, Planning Manager, presented the following. The Zoning & Adjustment Board (ZAB) held a public hearing on January 4, 2010 for the proposed amendment. Due to the applicant not being present, the ZAB tabled the application until February 1, 2010 and requested the BOCC table this hearing until February 9, 2010.

**Commissioner Mask moved, with a second by Commissioner Hoffman, to table Case No. R2009-0027, request of Lisa Pannell and James Lopez to rezone 1.98 acres MOL from RR to CL (Light Commercial) to February 9, 2010, at 5:30 p.m., Room 142, 910 N. Main**

**Street, Bushnell. The motion carried unanimously 5 - 0.**

011210-1-a-5

\* Quasi Judicial Hearing

## **2. REPORTS AND INPUT**

### *a. County Administrator*

1. Purchase Orders (For Information Only)

011210-2-a-1

2. Significant Schedule of Items (For Information Only)

Mr. Arnold advised that the joint meeting with the City of Coleman will be removed from the January 19th workshop agenda.

011210-2-a-2

3. Road Projects update report (For Information Only)

011210-2-a-3

4. Facilities Development Project update (For Information only)

011210-2-a-4

5. FDOT District 5 Tentative Work Program (For Information Only)

011210-2-a-5(a)

011210-2-a-5(b)

6. December 2009 Personnel Activity Report (For Information Only)

011210-2-a-6

7. Letter regarding a proposed bill which would make the constitutional officer the legislative body to resolve an impasse issue with a union (For Information Only)

After discussion, the consensus was to leave things the way they currently are. Mr. Arnold will advise Sheriff Farmer of this decision.

011210-2-a-7

8. Notice and Release and Settlement of Claim regarding damaged concrete light pole signed by Bradley Arnold (For Information Only)

011210-2-a-8

9. Information regarding road signage in Sumter County (For Information Only)

011210-2-a-9

011210-2-a-9- c roads

011210-2-a-9- cr roads

011210-2-a-9- Village roads

*b. County Attorney*

1. 2009 Hogan Law Firm Progress Report (For Information Only)

011210-2-b-1

*c. Clerk of Court*

1. Florida Statute 318.18(13) Assessment of Additional Court Costs Quarterly Summary (For Information Only)

011210-2-c-1

*d. Board Members*

1. Commissioner Dick Hoffman

Commissioner Hoffman advised that Central Florida Health Alliance is looking for a site for a new cancer center. There was discussion on meeting with Mr. Brown about the possible availability of his property on US 441.

011210-2-d-1

There was discussion regarding the Tourist Development Council (TDC) and the possible use of TDC funds to promote Sumter County lakes and fishing. The Board directed Derrill McAteer to request an opinion from the Attorney General if this would be an acceptable use of TDC funds.

2. Commissioner Garry Breeden - No report.

3. Vice Chairman Don Burgess - No report.
4. 2nd Vice Chairman Randy Mask - No report.
5. Chairman Doug Gilpin

Chairman Gilpin discussed a luncheon that several of the Commissioners attended at FCC Coleman. He advised that the County's Economic Development team, E5 Solutions, also had representatives present.

*e. Public Forum*

John Huran with the law firm of Foley & Lardner, P.O. Box 2193, Orlando, appeared on behalf of Electric Services, Inc. (ESI) who is the subject of Agenda Item 3.d.5. He gave a summary of his client's qualifications, provided a handout, and requested that the Board reconsider the replacement of his client on The Villages of Sumter County Service Center Project and direct staff not to approve the change order to substitute his client.

Steve Strong, President, ESI, 1746 US Hwy 441, Leesburg, also addressed the Board regarding this matter.

011210-2-e-1

011210-2-e-2

**3. NEW BUSINESS-ACTION REQUIRED**

*a. MINUTES*

1. None

*b. FUTURE PUBLIC HEARINGS OR MEETINGS*

1. None

*c. APPOINTMENTS*

1. Well Florida Council vacancy (Board's option).

There was no action taken.

011210-3-c-1

2. Zoning and Adjustment Board vacancy (Board's option).

Commissioner Breeden advised that he has a potential applicant that he will present at the next regular meeting.

011210-3-c-2

3. Review of appointees and terms on the Tourist Development Council (Board's Option).

There was no action taken.

011210-3-c-3

*d. FINANCIAL*

1. Purchase Order Approval (Staff recommends approval).

011210-3-d-1

2. State Housing Initiatives Partnership (SHIP) Program payment request (Staff recommends approval).

011210-3-d-2

3. Zoning & Adjustment Board Per Diem - Increase from \$30 per Meeting to \$50 per Meeting effective February 1, 2010 (Staff recommends approval).

011210-3-d-3

4. Slack Construction Change Order (Staff recommends approval).

This change order involves the Animal Shelter project.

011210-3-d-4

5. Emmett Sapp Builders Change Order (Staff recommends approval).

This change order involves The Villages Sumter County Service Center Project. The original subcontractor, Electric Services, Inc. (ESI) is being replaced with Jack & Andy's Electric. Bradley Arnold advised that there was a supplemental letter of objection of the use of ESI transmitted to Emmett Sapp Builders this date. Mr. Arnold summarized the additional reasons for the objection to the use of ESI.

<b>Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve Agenda Item 5 under Financial based on staff's recommendation. The motion carried unanimously 5 - 0.</b>
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011210-3-d-5

6. Direct payment of Impact Fees and Permit Fees for The Villages Sumter Service Center (Staff recommends approval).

011210-3-d-6

**Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Agenda Items 1 through 4 and 6 under Financial. The motion carried unanimously 5 - 0.**

*e. CONTRACTS AND AGREEMENTS*

1. Terminate Public Service Lease for location of office building on county property with Industrial Development Authority effective September 30, 2010 (Staff recommends approval).

011210-3-e-1

2. Escrow Agreement with Demetri Homes (Staff recommends approval).

011210-3-e-2

3. AD Morgan Amendment #3 (Staff Recommends Approval).

011210-3-e-3

4. Interlocal Agreement between Sumter County, Florida and the City of Bushnell, Florida concerning the resolution of disputes related to Fire Inspection and Fire Plan Review (Staff recommends approval).

011210-3-e-4

**Commissioner Breeden moved, with a second by Commissioner Mask, to approve Agenda Items 1 through 4 under Contracts. The motion carried unanimously 5 - 0.**

*f. GENERAL ITEMS FOR CONSIDERATION*

1. Request to Allow Installation of Steel Post and Large Rock within Sidewalk on CR 101 Right-of-Way by Bison Valley Property Owners Association (Board Option).

Bradley Arnold gave a summary of the situation being addressed in this item. There was discussion on safer alternate solutions.

**Commissioner Breeden moved, with a second by Commissioner Mask, to authorize staff to work with the Bison Valley Property Owners Association to find an alternative to the installation of the steel post and**



**large rock in order to resolve this issue. The motion carried unanimously 5-0.**

011210-3-f-1

2. Release of Lien for Wynonia M. Johnson (Staff recommends approval).

011210-3-f-2

3. Inventory Transactions (Staff recommends approval)

011210-3-f-3

4. Stipulated Final Judgment concerning Parcel 110 (CR 139) (Staff recommends approval).

011210-3-f-4

5. Stipulated Final Judgment concerning Parcel 113 (CR 139) (Staff recommends approval).

011210-3-f-5

6. Villages of Sumter - Unit 163 - Final Plat Approval (Staff recommends approval).

011210-3-f-6

7. Villages of Sumter - Unit 161 - Final Plat Approval (Staff recommends approval.)

011210-3-f-7

8. Villages of Sumter - Unit 160 - Final Plat Approval (Staff recommends approval).

011210-3-f-8

9. Villages of Sumter - Crestview Villas (Staff recommends approval).

011210-3-f-9

10. State Housing Initiatives Partnership (SHIP) Program Resolution (Staff recommends approval).

011210-3-f-10

**Commissioner Hoffman moved, with a second by Commissioner**

Breeden, to approve Agenda Items 2 through 10 under General Items for Discussion. The motion carried unanimously 5 - 0.

#### **4. ADJOURN**

Vice Chairman Burgess moved, with a second by Commissioner Mask, to adjourn at 5:55 p.m. The motion carried unanimously 5 - 0.